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Message Text

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ORIGIN NEA-07

INFO OCT-01 SS-14 ISO-00 L-01 IO-03 SP-02 NSC-05 NSCE-00

H-01 PRS-01 INR-05 CIAE-00 /040 R

DRAFTED BY NEA/EGY:GRBEYER:CEK
APPROVED BY NEA - MR ATHERTON
L/NEA - MR ROHWER (SUBST)
---------- 114904
P 230112Z JUL 76
FM SECSTATE WASHDC
TO AMEMBASSY CAIRO PRIORITY
INFO USMISSION USUN NEW YORK PRIORITY

C O N F I D E N T I A L STATE 182034

LIMDIS

E.O. 11652: GDS

TAGS: PDIP, EG

SUBJECT: AMBASSADOR HELMY AND ARAB INFORMATION OFFICE
REFERENCE: CAIRO 9142
1. AMBASSADORS OF LEBANON, SOMALIA AND SYRIA REPRESENTING ARAB LEAGUE CALLED ON MR. ATHERTON JULY 20 TO MAKE REPRESENTATIONS ON BEHALF OF AMBASSADOR HELMY AND ARAB INFORMATION OFFICE IN LIGHT OF SUIT BROUGHT BY JUSTICE DEPARTMENT AGAINST THEM. AMBASSADORS LEFT WRITTEN NOTE WHICH EXPRESSES SPECIAL CONCERN THAT JUSTICE ATTORNEYS ARE SEEKING ACCESS TO LEAGUE FILES AND RECORDS. NOTE EXPLAINS THAT FILES OF ARAB INFORMATION OFFICE AND THOSE OF AMBASSADOR HELMY AND LEAGUE OFFICE OF PERMANENT OBSERVOR TO U.N. ARE INTERMINGLED. AS RESULT, ANY INVESTIGATION OF INFORMATION OFFICE FILES WOULD EXPOSE DIPLOMATIC CORRESPONDENCE AND NOTES OF ARAB LEAGUE MEETINGS. ONE AMBASSADOR CLAIMED THERE HAD BEEN QTE NON-WRITTEN AGREEMENT UNQTE WHEN ARAB LEAGUE OFFICE ESTABLISHED OVER TWENTY YEARS AGO IN NEW YORK CITY THAT IT WOULD HAVE SPECIAL STATUS.
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2. MR. ATHERTON SAID INTERMINGLING OF ARAB INFORMATION OFFICE FILES WITH THOSE OF ARAB LEAGUE PERMANENT OBSERVOR'S OFFICE TO U.N. MIGHT CREATE PROBLEM UNDER U.S. LAW. HE WOULD HAVE TO CHECK WITH DEPARTMENT'S LEGAL ADVISOR. HE WANTED TO ASSURE AMBASSADORS, HOWEVER, THAT HE WOULD SEEK

TO RESOLVE THIS MATTER IN WAY THAT WOULD NOT CREATE PROBLEM BETWEEN U.S. AND ARAB STATES.

3. MR. ATHERTON NOTED THAT THERE SEEMED TO BE SOME MIS-UNDERSTANDING ABOUT THIS CASE, ESPECIALLY ALLEGATIONS THAT HELMY MIGHT BE FINED OR IMPRISONED. IN ORDER TO CORRECT THOSE MISUNDERSTANDINGS, HE REVIEWED FOR THE AMBASSADORS THE CURRENT STATUS OF THIS CASE AS FOLLOWS:

(A) JUSTICE DEPARTMENT HAS BROUGHT CIVIL, NOT CRIMINAL, CASE AGAINST AMBASSADOR HELMY AND ARAB INFORMATION OFFICE.

(B) THERE IS NO POSSIBILITY IN ANY WAY OF AMBASSADOR HELMY OR OTHERS AT THE OFFICE BEING FINED OR IMPRISONED AS A RESULT OF THIS CIVIL CASE. IN A CIVIL PROCEEDING SUCH AS THIS, ISSUE UNDER DISPUTE IS ADJUDICATED BEFORE A JUDGE. EVEN IF THE JUDGE RULES IN FAVOR OF THE JUSTICE DEPART-MENT'S VIEW, THE ONLY INSTRUCTION GIVEN BY THE JUDGE TO THE AMBASSADOR AND THE OFFICE IS TO ABIDE BY THE PROVISIONS OF THE FOREIGN AGENTS REGISTRATION ACT.

(C) AMBASSADOR HELMY AND INFORMATION OFFICE MAY BE REPRE-SENTED BY COUNSEL AND AMBASSADOR NEED NOT APPEAR PERSONALLY AT COURT IN THESE PRELIMINARY HEARINGS. AMBASSADOR HELMY IS BEING REPRESENTED IN THIS MATTER BY LAW FIRM OF COVINGTON AND BURLING.

(D) AT JULY 7 HEARING, COVINGTON AND BURLING INDICATED THEY WOULD SUBMIT IN WRITING BY JULY 20 A MOTION TO DIS-MISS THE U.S. GOVERNMENT'S PROPOSED SUIT.

(E) U.S. GOVERNMENT HAS UNTIL AUGUST 10 TO RESPOND IN WRITING TO COVINGTON AND BURLING'S MOTION.

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(F) COVINGTON AND BURLING THEN HAVE UNTIL AUGUST 25 TO REPLY IN WRITING TO THE U.S. GOVERNMENT'S RESPONSE.

(G) ORAL ARGUMENTS ARE SCHEDULED FOR SEPTEMBER 8 ON COVINGTON AND BURLING MOTION. U.S. GOVERNMENT CASE WILL ONLY BE CONSIDERED AFTER THESE PRELIMINARY HEARINGS, AND THEN ONLY IF THE JUDGE RULES AGAINST THE COVINGTON AND BURLING MOTION.

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(H) AS ABOVE SCHEDULE SUGGESTS, NO PRECIPITOUS ACTIONS ARE CONTEMPLATED IN THIS CASE. FURTHER, THERE IS NO THREAT IN ANY WAY TO AMBASSADOR HELMY PERSONALLY.

(I) IF THE JUDGE AT LENGTH DECIDES AGAINST THE AMBASSADOR AND THE ARAB INFORMATION OFFICE, BOTH WILL BE GIVEN

PLENTY OF TIME TO AMEND THEIR PROCEDURES AND PRACTICES TO ABIDE BY THE LAW.

4. AMBASSADOR ADDOU OF SOMALIA ASKED IF DEPARTMENT OF STATE COULD NOT INTERVENE TO STOP SUIT BECAUSE SUIT DAMAGING TO U.S. FOREIGN RELATIONS AND THEREFORE NOT IN U.S. NATIONAL INTEREST. MR. ATHERTON SAID HE THOUGHT THAT MIGHT NOT BE POSSIBLE BUT HE WOULD CHECK WITH LEGAL ADVISOR. MR. ATHERTON PROMISED TO REVIEW HISTORY THIS CASE AND BE IN TOUCH WITH AMBASSADORS SOONEST.

5. YOU MAY WISH TO SIMILARLY REASSURE FAHMY THAT THERE IS NO THREAT TO HELMY, THAT NO PRECIPITOUS ACTION IS CONTEMPLATED IN THIS CASE AND THAT OUR GOAL IS TO RESOLVE MATTER IN WAY THAT WILL NOT CREATE PROBLEM BETWEEN U.S. AND EGYPT OR OTHER ARAB LEAGUE STATES (PARAS TWO AND THREE).

6. FYI: WE EXPECT TO REACH DECISION EARLY NEXT WEEK ON HOW BEST TO RESOLVE THIS MATTER IN WAY THAT WILL SATISFY ARAB LEAGUE MEMBERS WHILE REQUIRING ARAB INFORMATION OFFICE TO ABIDE BY PROVISIONS OF FOREIGN AGENT REGISTRATION ACT. WILL ADVISE. END FYI. ROBINSON

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